

Matthew B. Lehr (Bar No. 213139)  
 Diem-Suong T. Nguyen (Bar No. 237557)  
 David J. Lisson (Bar No. 250994)  
 Chung G. Suh (Bar No. 244889)  
 Jeremy Brodsky (Bar No. 257674)  
 DAVIS POLK & WARDWELL LLP  
 1600 El Camino Real  
 Menlo Park, California 94025  
 Telephone: (650) 752-2000  
 Facsimile: (650) 752-2111

Attorneys for Plaintiff  
 Tyco Healthcare Group LP d/b/a  
 VNUS Medical Technologies

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

TYCO HEALTHCARE GROUP LP d/b/a	)	LEAD CASE NO. C08-03129 MMC
VNUS MEDICAL TECHNOLOGIES,	)	
	)	CASE NO. C08-03129 MMC
Plaintiff,	)	
	)	
v.	)	<del>PROPOSED</del> ORDER GRANTING IN
	)	PART AND DENYING IN PART
BIOLITEC, INC. and NEW STAR LASERS,	)	DEFENDANTS' MOTION FOR
INC. d/b/a COOLTOUCH, INC.,	)	ADMINISTRATIVE RELIEF TO FILE
	)	DOCUMENTS UNDER SEAL (D.I. 296)
Defendants.	)	

[CIVIL L.R. 7-11, 79-5]

TYCO HEALTHCARE GROUP LP d/b/a	)	CASE NO. C08-04234 MMC
VNUS MEDICAL TECHNOLOGIES,	)	(consolidated with C08-3129 MMC)
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
TOTAL VEIN SOLUTIONS, LLC d/b/a	)	
TOTAL VEIN SYSTEMS,	)	
	)	
Defendant.	)	

Before the Court is the Defendants' Motion for Administrative Relief to File Documents Under Seal dated September 7, 2010, by which Defendants seek leave to file under seal unredacted versions of certain documents submitted in support of Defendants' Opposition to VNUS's Motion *in Limine* No. 1 to Exclude Testimony and the use of Prior Testimony Regarding Certain Alleged Uses by Drs. Bush, Mercier and Dunne ("Defendants' Opposition"). Having reviewed the parties' submissions filed in support of the motion, the Court rules as follows:

1. The motion is GRANTED in part, specifically, as to the following documents that plaintiff has shown contain material properly filed under seal (see Kertz Decl., filed September 13, 2010), each of which the requesting party is directed to file ~~under seal~~ no later than September 22, 2010, under seal:

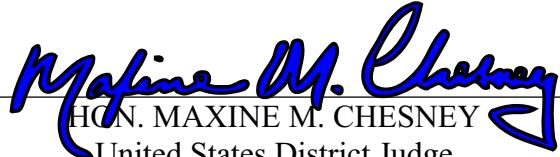
- Exhibits D, E, F, I, J, L, X, and DD to the Declaration of Charles T. Steenburg in Support of Defendants' Opposition
- Redacted pages 2 (lns. 21-22), 3 (lns. 1-4), and 4 (lns. 5-7) of Defendants' Opposition, filed on September 7, 2010

2. The motion is DENIED in part, specifically, as to the following documents, in light of plaintiff's having withdrawn its prior designation of confidentiality, each of which the requesting party is directed to file in the public record no later than ~~five calendar days from the date of this order~~ September 22, 2010:

- Exhibits N and EE to the Declaration of Charles T. Steenburg in Support of Defendants' Opposition
- Designated portions of Defendants' Opposition not identified above

IT IS SO ORDERED.

Dated: September 16, 2010

  
 HON. MAXINE M. CHESNEY  
 United States District Judge